



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

SEP 23 2015

Mr. Joe Jurgielewicz  
Operations Manager  
Joe Jurgielewicz & Son, Ltd. Home Farm

Re: Information Requirement Pursuant to Section 308 of the Clean Water Act

Dear Mr. Jurgielewicz,

Enclosed is an Information Requirement issued to Joe Jurgielewicz & Son, Ltd. Home Farm, and any and all its affiliates, including subsidiaries, divisions, or related businesses (collectively referred to as ("Jurgielewicz")). The United States Environmental Protection Agency ("EPA") is authorized under Section 308 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. You should read the Information Requirement carefully as it provides instructions and deadlines for certain information to be provided to EPA. The Information Requirement is directed to Jurgielewicz and not any individual.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. EPA is authorized to seek the imposition of penalties up to \$37,500 for each day of continued noncompliance with the Information Requirement. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations may subject representatives of Jurgielewicz to criminal penalties under 18 U.S.C. § 1001.

You may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

Should you have any questions pertaining to this matter, please contact Ms. Kyle J. Zieba at (215) 814-5420.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.B. McGuigan', with a large, sweeping flourish extending to the right.

David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Permits and Enforcement  
Water Protection Division

cc: Ryan Kostival, PADEP

Enclosure

In The Matter of: \_\_\_\_\_ :

Joe Jurgielewicz & Son, Ltd. Home Farm : \_\_\_\_\_

Respondent \_\_\_\_\_ :

## INFORMATION REQUIREMENT

Proceeding Under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

### I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System (NPDES) Permits and Enforcement. EPA hereby requires Jurgielewicz & Sons, Ltd. Home Farm (Jurgielewicz) to provide information specified below.

### II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - c. any requirement under Section 308 of the CWA; and,
  - d. carrying out Sections 305, 311, 401, 402 and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you

provide may be used by EPA in administrative, civil, or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Part 2, Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information required herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. See C.F.R. Section 1320.3(c).

### **III. INSTRUCTIONS**

5. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question or subpart to which it corresponds.
6. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
7. Provide the name, address, telephone number, and occupation of each person providing responses to any questions contained in this Information Requirement, as well as each person consulted in the preparation of the response on behalf of Jurgielewicz, to these demands for information.
8. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the questions, and provide a true and correct copy of each document if not provided in response to another specific question.
9. If tabulation is requested, provide the required information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file of Microsoft Excel format.
10. To the extent information required herein was previously provided to EPA by Jurgielewicz, there is no need to provide it again, but rather identify the information and the date it was previously provided.
11. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, Jurgielewicz must supplement its response to EPA. Moreover, should Jurgielewicz find at any time after submission of its response that any portion is or becomes false,

incomplete, or misrepresents the facts; Jurgielewicz must provide EPA with a corrected response as soon as possible.

12. All submissions provided pursuant to this Information Requirement shall be signed and dated by a responsible official of Jurgielewicz to include the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Signed \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

13. Submit a copy of your response to the following individual:

Ms. Kyle J. Zieba  
NPDES Enforcement Branch (3WP42)  
Water Protection Division  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

14. If you have questions regarding this Information Requirement, you may contact Ms. Zieba at (215) 814-5420.

#### **IV. DEFINITIONS**

15. All terms not identified herein shall have their ordinary meaning, unless such terms are defined in the CWA, 33 U.S.C. § 1326, or its implementing regulations found at 40 C.F.R. Parts 122 and 412, in which case the statutory or regulatory definition shall apply.
16. The terms "document" and "documents" shall mean any format that records, stores or presents information and includes writings, memoranda, records or information on any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; (c) drafts; (d) attachments to

or enclosures with any document; and (e) every other document referred to or incorporated into each document.

17. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Jurgielewicz. The term "identify" with respect to a business entity means to provide that entity's name, address and relationship to Jurgielewicz, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of the entity.
18. The term "Jurgielewicz" shall mean the Jurgielewicz & Son, Ltd., mailing address at
19. The term "main facility" shall mean Jurgielewicz's operations located at
20. The term "point source" means any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
21. The term "owner or operator" means any person who owns, leases, operates, controls, or supervises the operation of a point source.
22. The term "permit issuing authority" refers to the Pennsylvania Department of Environmental Protection (PADEP).
23. The term "permit" refers to Permit Number PAG123647 issued by the PADEP to Jurgielewicz.
24. The term "producer" means any grower, breeder, or producer.
25. The term "contract producer" means a producer who houses, grows, or otherwise cares for birds owned by Jurgielewicz under a contractual agreement with Jurgielewicz.
26. The term "agreement" shall mean any written document (e.g. contract, lease, memorandum of understanding, agreement in principle, letter, etc.) or verbal exchange manifesting mutual assent on the part of two or more persons. If asked to "identify and produce" (as defined below) an agreement, you must not only included the agreement's main text, but also include all exhibits, attachments, and documents incorporated by reference.
27. The term "Animal Feeding Operation" or "AFO" is a lot or facility where (a) animals have been, are, or will be stabled or confined and fed or maintained for 45 days or more in any twelve-month period and (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more AFOs under common ownership are considered to be a single AFO

for purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

28. The term "Concentrated Animal Feeding Operation" or "CAFO" means an AFO that is defined as a Large CAFO or as a Medium CAFO according to 40 C.F.R. §122.23(b).
29. The term "manure" is defined to include manure, bedding, compost, and raw materials or other materials comingled with manure or set aside for disposal.
30. The term "process wastewater" means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.
31. The term "land application area" means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter or process wastewater from the production area is or may be applied.

#### **V. INFORMATION REQUIREMENT**

AND NOW, this 23 day of September, 2015, Jurgielewicz is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information:

32. For calendar years 2012 to present, provide a copy of the permit; permit coverage approval letters; nutrient management plans; erosion and sediment control plans and/or conservation plans; and, the most recent inspection report prepared by the PADEP for the CAFO located at the main facility.
33. Provide a description and process flow diagram of the processing plant located at the main facility including, but not limited to, design capacity for animal processing, major processing units, design flow inputs and outputs, characterization of waste streams, waste treatment, if any, and all waste disposal methods including impoundments and land application areas, if applicable.
34. Provide for each calendar year from 2012 to present: the total quantify of liquid wastes generated by the processing plant, the total quantity of liquid wastes disposed of, and quantity of liquid waste sent to each disposal method.
35. Identify any and all AFOs where Jurgielewicz confines animals, including AFOs owned or operated directly by Jurgielewicz and AFOs at which Jurgielewicz's animals are currently, or will be confined and grown (including operations proposed or under construction) by a third-party under contractual agreements in effect as of the date of issuance of this Information Requirement. Provide your response in tabular form and



include the following information:

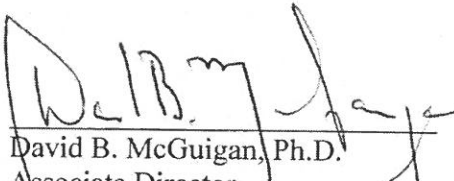
- a. Farm name(s);
  - b. Farm address;
  - c. Owner;
  - d. Operator;
  - e. Latitude and longitude at entrance (if readily available);
  - f. Identification number assigned by Jurgielewicz, if any;
  - g. Name of contract producer;
  - h. Type of animal;
  - i. Number of houses;
  - j. Total animal capacity (for entire farm); and,
  - k. Current animal population.
36. Provide a copy of all agreements entered into between Jurgielewicz and its contract producers. If Jurgielewicz uses standard agreements, Jurgielewicz may respond by providing an example of each type of standard agreement.
37. Identify and provide a map of all land application areas where manure and/or process wastewater from the main facility is applied.
38. For calendar years 2012 to present, for each of the fields identified in response 37, provide the actual annual applied manure and the actual annual applied waste water.
39. For calendar years 2012 to present, provide the nutrient content of the manure applied and the nutrient content of the waste water and describe the methods by the nutrient content for manure and waste water were determined.

#### **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt. Information responsive to this Information Requirement shall be submitted to EPA within thirty (30) calendar days upon receipt of this Information Requirement.

Date: \_\_\_\_\_

9/23/15

  
David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Compliance and Enforcement  
Water Protection Division